

Appl. No. 10/044,271  
Amdt. Dated Jun. 23, 2005  
Reply to Office Action of Mar. 23, 2005

**Amendments to the Drawings:**

The attached replacement drawing sheet includes changes to Figs. 1a and 1b. In Figs. 1a and 1b, the incorrect spellings of "Substrate" have been changed to "substrate."

Attachment: Replacement Drawing Sheet

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### **Remarks**

#### **Election/Restrictions**

Applicants hereby affirm that the provisional election made on Jan. 3, 2005 to prosecute the invention of Group I, claims 1-15 was made without traverse.

#### **Claim Rejections Under 35 U.S.C. 112**

Claims 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In response to these rejections, applicants have amended claim 5 by changing the variable "Y" to "Q," in order to eliminate ambiguity, and clearly claim the subject matter which applicants regard as the invention.

Applicants have also amended claim 9 by changing the limitation "silicate dioxide" to "silicon dioxide," as supported by para. [0021] of the specification. It is believed that claim 9 now clearly claims the subject matter which applicants regard as the invention.

#### **Claim Rejections Under 35 U.S.C. 102**

Claims 1-3, 9-11, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,798,553 (Scobey et al.).

In response to these rejections, applicants have amended independent claim 1 by adding the limitation of claim 2 thereinto, in order to patentably define the claimed invention over the prior art cited by Examiner, as contented below.

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Applicants have accordingly canceled claim 2 without prejudice, and have also canceled claims 11 and 14-15 without prejudice. Therefore, the above rejections of claims 2, 11 and 14-15 under 35 U.S.C. 102(e) are now moot.

Regarding claim 1, the present invention is now recited as a method for making a thin film filter having a negative temperature drift coefficient, comprising the steps of: providing a film stack material; providing a substrate wafer which has a coefficient of thermal expansion greater than that of the film stack material; polishing the substrate wafer; depositing thin film layers made of the film stack material on the substrate wafer at a temperature substantially higher than room temperature, thereby creating a film stack on the substrate wafer; cooling the substrate wafer-film stack laminate to room temperature; and cutting the cooled substrate wafer-film stack laminate into pieces, *wherein the coefficient of thermal expansion of the substrate is within the range from  $10 \times 10^{-6}/^{\circ}\text{K}$  to  $20 \times 10^{-6}/^{\circ}\text{K}$ .* Scobey teaches a substrate wafer of glass, indium phosphide, silica or a silicon wafer (col. 6, lines 21-23). The substrate material is an ordinary glass material, and the coefficient of thermal expansion of ordinary glass material which Scobey teaches is within the range from  $6 \times 10^{-6}/^{\circ}\text{K}$  to  $10 \times 10^{-6}/^{\circ}\text{K}$ . Applicants respectfully traverse Examiner's statement in the Office action to the effect that the materials of Scobey are the same as those claimed in the present application, and that Scobey's materials are expected to exhibit the same CTE properties as those claimed in the present application. Scobey fails to teach that the coefficient of thermal expansion of the substrate is greater than that of ordinary glass material. In contrast, the coefficient of thermal expansion of the substrate of the present

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invention is greater than that of ordinary glass material, and is within the range from  $10 \times 10^{-6}/^{\circ}\text{K}$  to  $20 \times 10^{-6}/^{\circ}\text{K}$ . Applicants assert that the method of the present invention is clearly different from that of Scobey, and that claim 1 is novel over this reference.

Further, applicants submit that the above-described distinguishing feature of claim 1 renders the claim unobvious and patentable under 35 U.S.C. 103 over Scobey.

Accordingly, dependent claims 3 and 9-10, which depend directly from claim 1, are submitted to also be novel, unobvious and patentable under 35 U.S.C. 102 & 103 over Scobey.

### **Claim Rejections Under 35 U.S.C. 103**

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scobey as applied to claim 1 above.

In response to this rejection, applicants have amended independent claim 1 by adding the limitation of claim 2 thereinto, in order to patently define the claimed invention over the prior art cited by Examiner, as detailed above. Accordingly, applicants have canceled claim 2 without prejudice.

Claim 1 is asserted to be unobvious and patentable under s.103 over Scobey, as detailed above. Accordingly, claim 8 should be also unobvious under s.103 over Scobey, since it depends directly from claim 1.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scobey in view of US 4,793,908 (Scott et al.).

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In response to these rejections, applicants have canceled claims 12 and 13 without prejudice. Therefore, the rejections of these claims are now moot.

#### **Allowable Subject Matter**

Applicants acknowledge Examiner's remarks. However, applicants assert that amended claim 1 is allowable, as detailed above. Accordingly, applicants have amended the dependencies of claims 4-7 such that these claims now each depend directly from amended claim 1.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,  
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